UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

2017 OCT 11 PM 2:55

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

Priority Mail Express Parcel, Label Number, EL 870812612 US, postmarked October 3, 2017, addressed to Spencer Lange, 39520 Murrieta Hot Spring Rd, Apt #219-69, Murrieta, CA 92563, with a return address of Tony Davison, 3417 Della, Dayton, Ohio 45417.

Case No. 3:17mj 471

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Priority Mail Express, Label Number, EL 870812612 US (See Attachment "A")

located in the Southern District of Ohio, there is now concealed *(identify the person or describe the property to be seized)*:

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	*Offense Description*
21 U.S.C. 846	Conspiracy to distribute a controlled substance
21 U.S.C. 841 (a) (1)	Possession with intent to distribute a controlled substance
21 U.S.C. 843 (b)	Use of a Communication Facility

The application is based on these facts:

See attached affidavit of U.S. POSTAL INSPECTOR ANDREW W. KREMER

- ☒ Continued on the attached sheet.
- ☐ Delayed notice _____ days (give exact ending date if more than 30 days: ____________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

ANDREW W. KREMER, U. S. POSTAL INSPECTOR
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/11/17

Judge's signature

City and state: DAYTON, OHIO

MICHAEL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

ATTACHMENT A
PROPERTY TO BE SEARCHED

The property to be searched is the package associated with **Priority Mail Express, Label Number: EL 870812612 US**, addressed to Spencer Lange, 39520 Murrieta Hot Spring Rd, Apt #219-69, Murrieta, CA 92563, with a return address of Tony Davison, 3417 Della, Dayton, Ohio 45417.

AFFIDAVIT

I, ANDREW W. KREMER, having been duly sworn, depose and state:

1. I am a United States Postal Inspector, having been so employed since May 19, 2012. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for southwest Ohio and northern Kentucky. Part of my investigative responsibility involves the use of the United States Mail in the illegal transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.

2. Your Affiant completed United States Postal Inspection Service Basic Training in May 2012. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, your Affiant has worked since May 2012 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.

3. This Affidavit is made in support of a search warrant for the following property, namely a package associated with the following United States Postal Service (USPS) Priority Mail Express, Label Number:

   a. EL 870812612 US

   as further described in Attachment A. This affidavit is made in support of a warrant to search the package for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

   a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841,

   b. Use of a Communication Facility, in violation of Title 21, United States Code, § 843(b), and

   c. Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 846.

   Because this affidavit is submitted in support of the application of the United States to search the parcel, it does not include every fact known concerning this investigation, I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described parcel.

4. Your Affiant has become aware that drug traffickers frequently use Priority Mail Express and/or Priority Mail, services offered by the USPS, to transport narcotics and other dangerous controlled substances. As a result of investigations and successful controlled

substance prosecutions where Priority Mail Express and/or Priority Mail were used, your Affiant has learned of certain characteristics indicative of other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion - false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

5. On or about May 2017, during a review of postal mailings, your Affiant identified several Priority Mail Express parcels being mailed from the Paul Laurence Dunbar Post Office, Dayton, Ohio to 39520 Murrieta Hot Springs Rd, Apt #219-69, Murrieta, CA 92563. Since on or about May 2017, your Affiant has identified five (5) Priority Mail Express parcels being mailed to Spencer Lange, 39520 Murrieta Hot Springs Rd, Apt 219-69, Murrieta, CA 92563. All of the Priority Mail Express parcels identified have had pictorially similar handwriting and they all have had different return addresses and names. Your Affiant placed a mail watch on parcels going to 39520 Murrieta Hot Springs Rd, Apt 219-69, Murrieta, CA 92563. On October 3, 2017, your Affiant was alerted by a USPS employee that a parcel was mailed from Paul Laurence Dunbar Post Office to the address of the mail watch. Your Affiant instructed the USPS employee to secure the parcel in the manager's office. On October 4, 2017, your Affiant went to the Paul Laurence Dunbar Station, Dayton, Ohio, observed, and took custody of the parcel.

The parcel is further described as:

Priority Mail Express, Label Number: EL 870812612 US

Sender: Tony Davison
3417 Della
Dayton, Ohio 45417

Addressee: Spencer Lange
39520 Murrieta Hot Spring Rd, Apt #219-69
Murrieta, CA 92563

6. Observation and USPS tracking information of the above listed Priority Mail Express parcel, by your Affiant indicated it was mailed from Paul Laurence Dunbar Post Office, Dayton, OH 45417. Observation by your Affiant of the parcel indicated the handwriting on the label is pictorially similar to that of the previously identified parcels to this addressee address.

7. The Consolidated Lead Evaluation and Reporting (CLEAR) database system was researched by your Affiant regarding the listed return address, Tony Davison, 3417 Della, Dayton, Ohio 45417. CLEAR is a public record data investigative platform available exclusively to law enforcement and other government investigators about people and businesses. The information obtained from the system indicated there is no Tony Davison associated with that address. Additionally, the USPS Address Management System was researched regarding this address. Information from the system indicated this is not a valid address recognized by the USPS.

8. The CLEAR database was researched by your Affiant regarding the listed addressee on the package, Spencer Lange, 39520 Murrieta Hot Spring Rd, Apt #219-69, Murrieta, CA 92563. The information obtained from the system indicated there is no Spencer Lange associated with that address. Additionally, the USPS Address Management System was researched regarding this address. The information from the system indicated this address is a Commercial Mail Receiving Agency (CMRA) and not an apartment building as indicated by the address on the label.

9. On October 10, 2017, your Affiant arranged for Detective Tony Hutson, Montgomery County (Ohio) Sheriff's Department to conduct a narcotics canine check on the parcel. Detective Hutson and his canine "Gunner" are a currently certified narcotics team. The team is certified by the Ohio Peace Officer Training Commission and the Office of the Attorney General (Ohio). On the same date, your Affiant met Detective Hutson at the Montgomery County Sheriff's Department where the parcel listed above was placed in a separate office along several other similar parcels and presented to narcotic canine, "Gunner", who alerted positively to the presence or odor of a controlled substance upon the USPS package described below:

    a. **Priority Mail Express, Label Number: EL 870812612 US**

    Attached herewith, and incorporated by reference, is a photocopy of the narcotic canine handler's record of examination.

10. Based upon my experience and training, and the information relayed in the preceding paragraphs, along with the positive alert of narcotic canine "Gunner" is indicative of the parcel containing narcotics and/or drug related proceeds.

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11. Based upon the information contained in this affidavit, your Affiant believes that there is probable cause to believe that the parcel described below will contain evidence and/or contraband, fruits of crime, or other items illegally possessed:

a. **Priority Mail Express, Label Number: EL 870812612 US**

Therefore, a search warrant to open the parcel is requested.

Further, your Affiant sayeth naught.

ANDREW W. KREMER
U.S. POSTAL INSPECTOR

Subscribed and sworn to and before me this 11th day of October, 2017

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

MICHAEL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

I, DETECTIVE T. HUTSON, AM, AND HAVE BEEN, EMPLOYED BY THE MONTGOMERY COUNTY SHERIFF'S DEPARTMENT (OHIO), SINCE 9/1998. AMONG OTHER DUTIES, I AM CURRENTLY THE ASSIGNED HANDLER OF NARCOTICS DETECTION CANINE "GUNNER", WHICH IS TRAINED AND CERTIFIED IN THE DETECTION OF THE PRESENCE OR ODOR OF NARCOTICS DESCRIBED AS FOLLOWS:

Marijuana, Hashish, Cocaine, Heroin, Methamphetamines, Ecstasy

ON 10/10/2017, AT THE REQUEST OF POSTAL INSPECTOR A.W.KREMER, I RESPONDED TO THE MONTGOMERY COUNTY SHERIFF'S DEPARTMENT WHERE "GUNNER" DID ALERT TO AND INDICATE UPON THE FOLLOWING DESCRIBED ITEM:

USPS Priority Mail Express, Label Number: EL 870812612 US, addressed to Spencer Lange, 39520 Murrieta Hot Spring Rd, Apt #219-69, Murrieta, CA 92563, with a return address of Tony Davison, 3417 Della, Dayton, Ohio 45417.

BASED ON MY TRAINING AND EXPERIENCE AND THAT OF "GUNNER", I CONSIDER THE ABOVE DESCRIBED ITEM TO CONTAIN WITHIN OR UPON THE PRESENCE OR ODOR OF A NARCOTIC OR OTHER DANGEROUS CONTROLLED SUBSTANCE.

(Signature and Date)

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